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 LP d/b/a VNUS Medical Technologies

*[Additional counsel on signature page]*

UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

TYCO HEALTHCARE GROUP LP d/b/a  
 VNUS MEDICAL TECHNOLOGIES,

Plaintiff,

v.

BIOLITEC, INC., and NEW STAR LASERS,  
 INC. d/b/a COOLTOUCH, INC.,

Defendants.

LEAD CASE NO. C08-03129 MMC

CASE NO. C08-03129 MMC

**ORDER APPROVING**

**STIPULATION AND ~~[PROPOSED]~~  
~~ORDER~~ TO CONTINUE STATUS  
 CONFERENCE; JOINT CASE  
 MANAGEMENT STATEMENT**

Judge: The Honorable Maxine M. Chesney

Date: April 29, 2011

Time: 10:30 a.m.

TYCO HEALTHCARE GROUP LP d/b/a  
 VNUS MEDICAL TECHNOLOGIES,

Plaintiff,

v.

TOTAL VEIN SOLUTIONS, LLC d/b/a  
 TOTAL VEIN SYSTEMS,

Defendant.

CASE NO. C08-04234 MMC

(consolidated with C08-03129 MMC)

1 WHEREAS there is a further telephonic status conference currently scheduled in the  
2 above-captioned matter for April 29, 2011 at 10:30 a.m.;

3 WHEREAS the trial of Defendants' inequitable conduct defenses and counterclaims has  
4 been stayed pending the Federal Circuit's rehearing *en banc* of *Therasense Inc. v. Becton,*  
5 *Dickinson & Co.*, Nos. 2008-1511, -1512, -1513, -1514, -1595. (D.I. 286, at 3), and the Federal  
6 Circuit has yet to issue its decision;

7 WHEREAS there has been no progress in settlement discussions between the parties;

8 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED between the  
9 undersigned parties, subject to approval of the Court, that—in light of the present standstill in the  
10 case and to conserve the resources of the parties and the Court:

11 1) The status conference currently scheduled for April 29, 2011 be continued until  
12 June 10, 2011 at 10:30 a.m. or such other time as ordered by the Court;

13 2) Counsel will appear at the conference telephonically; and

14 3) The parties will apprise the Court once the Federal Circuit issues its decision in  
15 *Therasense Inc. v. Becton, Dickinson & Co.*

16 Dated: April 21, 2011

DAVIS POLK & WARDWELL LLP

17  
18 /s/ Matthew B. Lehr

19 Matthew B. Lehr (Bar No. 213139)  
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Attorneys for Plaintiff  
Tyco Healthcare Group LP d/b/a  
VNUS Medical Technologies

1 Dated: April 21, 2011

WOLF, GREENFIELD & SACKS, P.C.

2  
3 /s/ Michael N. Rader

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9 Attorneys for Defendant biolitec, Inc.

10 Dated: April 21, 2011

BUCHE & ASSOCIATES, P.C.

11  
12 /s/ John Karl Buche

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21 masondl@gtlaw.com

22 Attorneys for Defendant

Total Vein Solutions, LLC d/b/a Total Vein

23 Systems

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1 Pursuant to General Order No. 45, I hereby attest that I have concurrence to file this joint  
2 stipulation and statement from all parties whose signatures are indicated by a “conformed”  
3 signature (/s/) within this e-filed document.

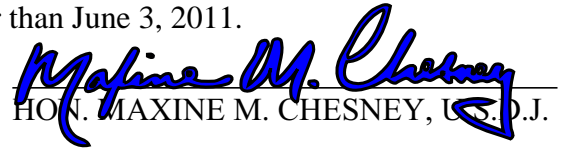
4  
5 Dated: April 21, 2011

/s/ Chung G. Suh

6 Chung G. Suh

7 **PURSUANT TO STIPULATION, IT IS SO ORDERED.** Specifically, the telephonic Case  
8 Management Conference is continued from April 29, 2011 to June 10, 2011. A Joint Case  
9 Management Statement shall be filed no later than June 3, 2011.

10 Dated: April 22, 2011

  
HON. MAXINE M. CHESNEY, U.S.D.J.